

SENATE TRANSPORTATION AND HOUSING COMMITTEE
SENATOR MARK DESAULNIER, CHAIRMAN
2011-2012 Session

Committee Policy On: SPECIAL INTEREST LICENSE PLATE BILLS

Recommended policy: The committee will not consider any measure that would authorize the issuance of a license plate bearing unique graphics or insignia or identifying a particular group affiliation.

Discussion: Because of the proliferation of license plate types and their resulting loss of effectiveness as a vehicle identifier, the Senate Transportation Committee in the mid-1990s adopted a committee policy that established a moratorium on the consideration of any special interest license plate bills. The committee has approved the policy for all subsequent legislative sessions.

In addition, in 2004 a federal court decision, *Women's Resource Network v. Gourley, E.D. Cal* 2004, F.Supp.2d, 2004 U.S. Dist., declared that when the Legislature creates special interest license plates it violates the First Amendment right to freedom of speech. The court specifically objected to the Legislature "picking and choosing" special license plates that private organizations propose, in essence promoting the message of some organizations while denying this right to others.

In response to the court decision, AB 84 (Leslie), Chapter 454, Statutes of 2006, established the specialized license plate program (Vehicle Code section 5151 *et. seq.*), under which a state agency could sponsor a license plate that promotes its mission. The Legislature passed AB 84 to provide a forum for government speech that promotes California's state policies and to exclude private organizations from seeking specialized license plates as a forum for private speech.

Because authorizing special license plates for private organizations is unconstitutional and a process exists for creating state agency-sponsored plates for public entities, there is no need for legislation to authorize special interest license plates.